

Idaho State Bar Family Law Section Annual Report 2008-2009

July 2009

From Linda Pall, J.D., Ph.D., Section Chair

Introduction.

The Section commenced a strategic planning session in May, 2008, which formed the basis of a busy year of activities. Please see the attached report of its results!

Continuing Projects and Programs

The Section agreed to begin some “face to face” Council meetings four times a year, in Boise at the Bar Center, in addition to its monthly one-hour Section Council business meetings. Lunch has been provided by the Section and the meetings have provided an additional dimension, especially for Boise-based members, to participate. The Council authorized transportation reimbursement for those outside Boise to attend, hoping to equalize the burden for service on those Council members not residing in Boise. It’s been well received.

Continuing legal education has developed further with Audrey Numbers as the capable chair of this Section Committee. The Committee formally expanded with regional representation from all areas of the state: Charles Bauer, Boise; Debra Carnahan, Boise; Lyle Eliassen, American Falls; James MacDonald, Jr., Sandpoint; Erika Klein, Boise; Kirstin Dutcher, Ketchum; Keisha Oxendine, Wallace; and John Cutler, Idaho Falls. Typically, the Section sponsors one CLE in the fall given at three locations, Boise, Eastern and Northern Idaho, and several others throughout the year. This year, with the assistance of the American Bar Association we have been able to sponsor a three-site CLE in April focusing on representation of children in

family law matters, especially through CPS and other matters. Debra Alsaker-Burke organized this CLE which was a large success, attracting more attention to this new area of family law the Section is addressing AND providing superlative speakers and resources across the state.

Donations and charitable support for family law-related concerns were continued this year, to the Partners Against Domestic Violence, the IVLP outreach programs like Sound Start and support for law students and others in public service roles to attend Family Law Section CLEs. The Section is currently considering a policy for such donations so that they can be considered fairly and equitably by the Council and/or the Section.

The Section continues to participate formally in the Family Law Council of Community Property States, a national group that meets once a year for a symposium, rotating through the states, to address community property issues. The 2009 meeting was in Albuquerque and Tore Beal Gwartney gave Idaho's presentation. (2010 is in Seattle and 2011 is in New Orleans.) The Section receives copies of the materials and distributes them to the members as well as the University of Idaho Law Library.

For many years we have given an Annual Award of Distinction to a member of the bar, the judiciary or the public who has done outstanding service in the realm of family law. The Section continues this practice in 2009 with the award going to Debra Alsaker-Burke. The reception in her honor is July 9 from 6 to 7:30 P.M. at Le Café de Paris at 240 North Capitol, Boise.

The Family Law Section has a long history of producing popular publications. Tom Dial has done yeoman's work coordinating an authoritative, frequently cited Idaho Family Law Handbook, including an update in 2008 and a new edition coming this fall. See the attached list of publications and prices.

The Family Law Section has published a Family Law Form Book and will update its edition this fall with a new publication. This will be distributed in conjunction with the three-location family law CLE and will also be for sale separately. The Section anticipates that this will be another popular offering for Bar members generally.

Other publication efforts by the Section this year included the January 2009 Advocate articles, providing articles on domestic violence, collaborative law, and other innovative approaches to dispute resolution.

Additionally, the Section participates as a representative to the Supreme Court Judicial Recruitment Committee and sends the Chair to regular monthly Section leadership meetings for the Bar.

Another strategic planning session for Council members and invited Section members and others is scheduled for July 8, 2009. A copy of our invitation is attached. We also provide a Thank You Dinner following the session so that participants can continue their conversations and getting to know one another informally. A copy of this year's menu is also included.

NEW Projects and programs for the Section!

The results of the Strategic Planning Session prompted a jump start for new projects and programs and a burst of energy for Section members that has attracted more members and enthusiasm for the section.

The Family Law Section ListServe, coordinated by Liz Brandt, Associate Dean of the Law School, has been a rousing success, linking members of the Section with questions and comments about current issues, important matters for their own cases, and regional questions that prompt dialogue and discussion. It is one of the most often used resources the section offers and is growing in importance to members.

The Section agreed to conduct a member survey to determine how best to meet Section members' needs. Fred Zundel and Debra Everman chaired this committee. The results are attached following the 2008 Strategic Planning Report. This will provide a basis for the 2009 Planning Session.

One of the most ambitious projects the Section undertook this year was the Mediation Outreach Project. As a result of serious concern generated at the 2008 planning session and in conversations with the Bar, the Law School and the Courts, the Section agreed to be the lead in an effort to provide additional trained mediators throughout the state, especially in North and Eastern Idaho, through subsidizing 20 positions at the University of Idaho Northwest Mediation Institute for training through the 40 hour program in May, 2009.

The Outreach Project was co-sponsored by the Idaho Supreme Court. Family Law Section members could apply to the Project and if they were selected, they would need to agree to participate in two pro bono mediations within two years through the Court Assistance offices statewide, and receive reduced rates for training, \$200 instead of \$900. The Family Law Section gave the College of Law \$10,000 for the 20 places and additional hospitality for the Section mediators in training and Institute faculty. All places were taken and 18 people successfully completed the training. The newly minted mediators from all areas of the state will continue to receive Section support in improving their skills and being part of the Section Family Law Mediation Committee through collaboration with other groups offering training and encouragement to attend such programs. The Section anticipates offering this again in 2-4 years, depending upon interest and availability of mediation services. The Court and the College of Law expressed satisfaction with the program and interest in a future offering.

The Section organized a Legislative and Rules Committee to deal with providing information to the Legislature and the Courts concerning Family Law related measures. John Schroeder and David Hyde chaired the Committee during its first year of operation. The

Committee dealt with a number of matters in cooperation with the Administrative Office of the Courts and provided valuable information to assist the Courts and the Legislature during the past session. Next year, the group anticipates a citizen group bringing grandparent rights legislation forward for legislative action and will provide analysis and information in response, as appropriate.

Additionally, the Section participates as a representative to the Supreme Court Judicial Recruitment Committee and sends the Chair to monthly Section leadership meetings for the Bar.

The Future of the Section...

The Section continues to produce funds for projects and programs, including new initiatives, serving the interests of children and families across the state. The Section expressed concern that the Bar Commissioners were intending to limit budget practices, including carry-overs, for the sections and would be adversely affected by any policy that provided additional limitations beyond responsible budgetary procedures, since the potential for new programs, as well as the enthusiasm for Section members to develop and participate in such programs, could be negatively affected.

The Section looks forward to another year of innovative, progressive projects within the family of the Idaho State Bar!

ISB Family Law Section Officer and Council 2008-09

Linda Pall, Chair
Debra Alsaker-Burke, Vice Chair
Lois Fletcher, Secretary/Treasurer

Council (term expires summer, 2009)
Audrey Numbers
Debra Alsaker-Burke
Lois Fletcher
David Hyde
The Honorable Linda Copple Trout
Liz Brandt

Immediate Past Chair: Tore Beal Gwartney
ISB Staff representative: Terri Muse

(term expires summer, 2010)
Tom Dial
Kent Fletcher
John Schroeder
Fred Zundel